

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-22, 24-38, 40-50, 52-57, 59-64 and 67-73 and pending in this application. Claims 1, 8, 9, 27, 30, 31, 40, 53, 56, 67, 68, 69, 70 and 71 are amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

In the final Office Action dated May 14, 2008, claims 9 and 31 stand rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over Mulchandani *et al.*, U.S. Patent No. 6,112,025. Claims 1-3, 5, 7, 8, 10-22, 24-27, 29, 30, 32-38, 40-42, 44-50, 52, 53, 55-57, 59-64 and 67-73 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Mulchandani in view of McCormick, U.S. Patent No. 6,721,875.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Interview at the USPTO of June 11, 2008

Applicants' representative thanks the Examiner for the courtesies extended during the in person interview at the USPTO. All of the claims have been amended, as discussed during the interview, to further clarify what is meant by the hook, and to further clarify what is meant by the mark instructions. Applicants believe that these amendments place the application in condition for allowance, and do not require new search and/or consideration.

Rejections under 35 U.S.C. § 102(b) and 103(a) based on Mulchandani

All of the claims stand rejected based on Mulchandani, or Mulchandani in combination with McCormick. As discussed during the interview, Applicants have amended all the independent claims to further clarify the functionality of the hook, and the functionality of the mark instructions. Support for the language of the amendments may be found, for example, in paragraphs 0031, 0036, 0038, 0050 and 0071 of the present application, as well as in FIG. 1.

As discussed during the interview, none of the instructions mentioned in the office action and in Mulchandani (NOP, CALL, or RET) function in the claimed manner. Additionally, it is impossible to use the NOP, CALL or RET instructions as a counter. As discussed during the interview, these instructions do not leave anything countable to be counted. Although the Examiner expressed a view that such an NOP instruction can, in fact, be counted, respectfully, this is incorrect. The NOP instruction itself cannot be counted – even if other mechanisms are used, for example, instructions that increment a register – but these are not mark instructions, and the NOP itself is not what is counted – what is counted is some other instruction, that increments a register. In other words, it is fundamentally impossible to use a NOP as a counter.

Thus, for all of the above reasons, Applicants respectfully submit that the claims, in their current form, are in condition for allowance.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn.

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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